IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.504 (MS) OF 2006

Life Corporation of India having its Central Officer,
At Jeevan Bima Marg, Bombay and one its
Divisional Office, Nehru Colony, Dehradun,
Through its Manager (Legal & H.P.F.), L.I.C. of India,
Divisional Office Jeevan Prakash, Nainital Road,
Haldwani, District Nainital. .....Petitioner.

Versus

1. District Judge, Dehradun.
2. Prem Bansal, S/o Sri Jai Narain Bansal,
R/o No. 2 Chakrata Road, Dehradun. .....Respondents.

Dated: 05.05.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 03.03.2006 passed by District Judge, Dehradun in Public Premises Appeal No. 201 of 2005 (Annexure No. 10 to the writ petition). Further prayer has been made for a writ of mandamus commanding and directing the respondent no. 2 to deposit the entire decreetal amount (damages) of Rs. 11,34,399/- and pay the agreed rent of Rs. 2750.44/-.

Briefly stated, the Life Insurance Corporation of India has instituted the proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for eviction of the petitioner. The State Officer has granted the decree for eviction.

Aggrieved by the said order an appeal was preferred by the respondent no. 2. The appellate Court has stayed the operation of the order subject to the payment of monthly rent to the extent of Rs. 2750.44 paise.

Learned counsel for the petitioner has submitted that in view of the admission of the respondent no.2 that a sum of Rs. 11,34,399/- is due, order passed by the appellate Court is liable to be set aside. Although the appellate Court has safeguarded the interest of the petitioner by permitting the respondent no.2 to deposit the monthly rent along with the arrears.

In the light of the observations made by the District Judge himself that the amount is more than Rs. 11 lacs, the appellate Court shall reconsider the matter and grant the opportunity to the respondent no.2 to deposit the admitted arrears of rent within a time allowed by District Judge himself preferably within a period of four months or as extended period, District Judge may consider fit and proper.

In view of the above, the District Judge shall direct the respondent no.2 to deposit the amount before hearing the appeal. The District Judge is also directed to expedite the disposal of the appeal within a period of nine months from the date of production of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

05.05.2006 (Rajesh Tandon, J.)
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